

## **REMARKS**

### **Claim Rejections**

Claims 1-9, 11, and 13-20 are rejected under 35 U.S.C. § 102(b) as being anticipated by Packer (US 6,058,453) in view of Tran (US 6,198,705). Claim 10 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### **Drawings**

It is noted that the Examiner previously accepted the drawings as originally filed with this application.

### **Claim Amendments**

By this Amendment, Applicant has canceled claims 8-10 and 17-19 and amended claims 1 and 11 of this application. It is believed that the amended claims specifically set forth each element of Applicant's invention in full compliance with 35 U.S.C. § 112, and define subject matter that is patentably distinguishable over the cited prior art, taken individually or in combination.

### **Claim Objection**

Claim 10 is objected to as being dependent upon a rejected base claim.

### **35 U.S.C. §103(a) rejections based on Packer and Tran**

Claims 1-9, 11, and 13-20 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Packer* (US 6,058,453) in view of *Tran* (US 6,198,705). To overcome the rejection, Applicant amends claim 1 to include the limitations of claims 8, 9 and 10, and amends claim 11 to include the limitations of claims 17, 18 and 19. No new matter is entered and the amendments are supported by the original specification.

Claim 1 has been amended to read:

the starting block is decided by a starting block deciding procedure, the starting block deciding procedure comprising a reading procedure to get a number of blocks between the subcodes and the audio data stored in the buffer memory and to count the number of blocks from a target block, which is asked to be read by a reading command from a computer host” (claim 1 of the invention) (emphasis added).

Regarding claim 1 of the invention, Examiner states that col. 3 lines 21–36 of *Tran* discloses a method of buffering data wherein the starting block is decided by counting a number of blocks from a target block. However, the cited paragraphs in *Tran* do not teach “to get a number of blocks between the subcodes and the audio data stored in the buffer memory” as the amended claim 1 does.

In the cited paragraphs (col. 3 lines 21–36) of *Tran*, a virtual-target identifier is used for identifying a virtual-target sector, a physical-target identifier is continuously incremented to generate an incremented physical identifier, and a start-buffering signal is activated when the incremented physical identifier matches the virtual-target identifier. The cited paragraphs mainly disclose counting a number of sectors between a virtual-target identifier and a physical-target identifier. It can be seen that *Tran* does not teach “to get a number of blocks between the subcodes and the audio data stored in the buffer memory”.

Besides, *Packer* does not teach “to get a number of blocks between the subcodes and the audio data stored in the buffer memory”, either. Since neither *Packer* nor *Tran* teaches the aforementioned feature of the amended claim 1, Applicant respectfully requests withdrawal of the rejections of claim 1.

Similarly, in the amended claim 11, “the starting block is decided by a starting block deciding procedure, the starting block deciding procedure comprising a reading procedure to get a number of blocks between the subcodes and the audio data stored in the buffer memory and to count the number of blocks from a target block, which is asked to be read by the reading command”. Hence, the arguments set forth in the above regarding to claim 1 also apply to claim 11.

Moreover, Applicant submits that the dependent claims 2-10 and 13-20 not specifically addressed herein are allowable for the reasons discussed in pertinent portions associated with their independent claims 1 and 11, as well as for their own additional features. Applicant respectfully requests withdrawal of the rejections.

The Examiner has indicted that claim 10 would be allowed if rewritten in independent form. Applicant submits canceled claim 19 is commensurate in scope with canceled claim 10. Applicant's amended claim 1 comprises a combination of original claims 1 and 8-10, thus redrafting claim 10 in independent form. Original claims 2-7 all depend from amended claim 1. Applicant's amended claim 11 comprises a combination of original claims 11 and 17-19, thus redrafting claim 19 in independent form. Original claims 13-16 and 20 all depend from amended claim 11. In the absence of any art cited against Applicant's original claim 10 or 19, it is not believed that any detailed discussion of the cited prior art references is necessary. Suffice to say that all of the claims remaining in this patent application contain subject matter against which no prior art citations have been made.

### **Summary**

In view of the foregoing, Applicant submits that this application is now in condition for allowance and such action is respectfully requested. Should the Examiner not be of the opinion that this case is in condition for allowance, it is requested that this amendment be entered for the purposes of appeal, since it materially reduces the issues on appeal by cancelling claims 8-10 and 17-19, thereby rendering moot the outstanding rejections under 35 U.S.C. § 103.

It is not believed that the foregoing amendments to claims 1 and 11 require any further searching and/or consideration on the part of the Examiner, since such amendment merely includes incorporating the language of canceled claims 8-10 and 17-19 into claims 1 and 11 respectively. Thus, the Examiner would have inherently searched this subject matter during the previous consideration of these claims.

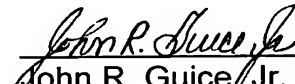
Application No. 10/617,807

Should any points remain in issue, which the Examiner feels could best be resolved by either a personal or a telephone interview, it is urged that Applicant's local attorney be contacted at the exchange listed below.

Respectfully submitted,

Date: January 4, 2008

By:

  
John R. Guice, Jr.  
Reg. No. 39,699

TROXELL LAW OFFICE PLLC  
5205 Leesburg Pike, Suite 1404  
Falls Church, Virginia 22041  
Telephone: 703 575-2711  
Telefax: 703 575-2707

**CUSTOMER NUMBER: 40144**